



Children, Families, Health, and Human Services Interim Committee

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64th Montana Legislature

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May 10, 2016

Rep. Chuck Hunter, Presiding Officer
Legislative Council
PO Box 210706
Helena, MT 59620-1706

Dear Rep. Hunter,

I'm writing on behalf of the Children, Families, Health, and Human Services Interim Committee to ask that the Legislative Council consider changing the statute requiring interim committees to review advisory councils and reports created by law for the agencies they monitor.

The 2011 Legislature created this ongoing requirement for interim committees with passage of House Bill 142. Following that session, the interim committees reviewed 55 advisory councils and 84 agency reports. The committees ultimately recommended the repeal of four advisory councils and eight reports and amendments to two advisory councils and seven reports.

The Children and Families Committee has conducted this review as required each interim, by reviewing a staff report detailing the councils and reports. But the committee has never asked for in-depth presentations on the approximately 20 advisory councils and 20 reports related to the Department of Public Health and Human Services.

In past interims, the committee has decided against taking action to eliminate or change any of the councils or reports. Members reasoned that DPHHS could bring an agency bill to accomplish that, if the agency believed the councils or reports no longer served a useful function. This interim, the committee has approved a bill draft to eliminate four advisory groups that have not met in recent years and to eliminate five reports that have not been provided.

Members agreed at our May 9 meeting to ask the Legislative Council to consider proposing a bill to eliminate the requirement in 5-5-215, MCA, or modify it so that the interim committees do not have to conduct this review so frequently. It's our understanding that most interim committees are taking only a cursory look at statutory advisory councils and reports any more and that few HB 142-related bills have been considered since the 2011-2012 interim.

In our experience, committees are hard pressed to find time for their assigned studies and their other monitoring duties. Revising the requirement to review existing councils and reports would

allow committees to devote more time to their studies and to monitoring agency activities, particularly how agencies are carrying out newly passed legislation or budget initiatives.

In addition, a change to 5-5-215, MCA, would not prevent state agencies from bringing their own bills to eliminate councils or reports they feel are no longer necessary.

Thank you for your consideration of this request.

Sincerely,

Rep. Ron Ehli
Presiding Officer

HB 142 Requirement

5-5-215. Duties of interim committees. (1) Each interim committee shall:

- (a) review administrative rules within its jurisdiction;
 - (b) subject to 5-5-217(3), conduct interim studies as assigned;
 - (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
 - (i) identification of issues likely to require future legislative attention;
 - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
 - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
 - (d) review statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;
 - (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and
 - (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work.
- (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature.
- (3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee.